Educational (1896) Department.

ORDINARY MS.

G.O., No. 69

Dated 5th Feb. 1896

INDEXED.

[Despatch Abstract.]

LAW COLLEGE.

Requesting the Director of Public Instruction to submit at an early date his scheme for working the -- during the day.

5 (b) 1,500—17-1

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C	229		1896.				
	752		1896				

[G / 9]
2,000—15-8-95.

D. O.
~~Current~~ No. 614

DEPARTMENT.

From

C. F. MacCartie Esq

No.

Dated 3rd
Received 3rd
Regd. 4th } -11-95
Enclosures

SUBJECT.

Requesting to circulate in due course to H. E. the Governor the Hon. Mr. Duncan's proposals about the Law College.

To lie over till the proposals referred to are received.

TM
5/11

Ed. Cor. 17. 2,000—29-3-94.

CURRENT No. 67

189 .

Educational Department.

From

THE DIRECTOR OF PUBLIC INSTRUCTION,
Madras,

To

THE HONORABLE THE CHIEF SECRETARY
TO GOVERNMENT,
Fort St. George.

DESPATCHED
18 JAN. 96

No. 398

Dated 17th }
Despatched 18th } January 1896
Received

Regd 20

CHIEF SECRETARY
19 JAN. 1896
GOVERNMENT OF MADRAS

No.

ENCLOSURES. 2

Subject.

Submitting for orders letter from the Principal Law College as to his re-engagement and practising at the bar and the resolution of the College Council as to the College hours for the future

67

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× 454: 30 - 5 - 95 abs
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✓ 850: 28 - 10 - 95 SC

CURRENT No. 67

Office of the Director of
Public Instruction,
Madras, 17th January 1896.

No. 398

From

The Honorable Mr. D. DUNCAN, M.A., D.Sc.,
Director of Public Instruction,
Madras,

To

The Honorable The CHIEF SECRETARY TO GOVERNMENT,
Fort St. George.

Sir,

In submitting the enclosed letter from Mr R. A. Nelson, Principal, Law College, I have the honour to invite the attention of Government to para 2 of my letter No. 3040, dated 14th March last, as to the terms of his re-engagement. It would be well to defer consideration of Mr Nelson's request until the orders of the Secretary of State are received on the proposals for the continuance of the College on its present footing for a further period of five years.

vide Ed. despatch
No 3 d/ 7th June 95

This has been received
983 [illegible]

ED 847
28-10-95

2. I beg also to submit for the information of Government and favour of return the accompanying resolution of the College Council pointing out the impracticability of holding the College between the hours of

11 A.A.

11 A.M. and 5 P.M. as originally intended, even after the removal of the College to the new buildings. I am not prepared with the information now before me to endorse the opinion of the Council and to abandons the original scheme. I think it is possible, as it is certainly desirable in the interest of the College and of legal education, to make arrangements to work the institution as a day College and the matter will be taken up immediately on receipt of the Sanction of the Secretary of State for the continuance of the College on its present lines.

I have the honour to be,
Sir
Your most obedient Servant.

D Duncan

Director of Public Instruction

[G./25]
1,000—5-11-95

Ed. DEPARTMENT

C. No. 67 of 96.

FOR ORDERS.

Mr. Nelson's Appointment as Principal of the Law College terminates on 2nd May next. He requests to be informed whether it is the intention of Govt. to offer him the appointment again, for the ensuing five years during which the College will remain a Govt. institution. (vide SOS's despatch no. 7 Public (Ed.) dated 25th July 1895. Under cover of G.O. no 847 & 28th October '95) If such is the intention of Govt., he requests that Govt. will be pleased to permit him to engage in practice at the Bar during the period of such re-appointment. His reasons are that the circumstances which necessitated a full time Principal have now disappeared, that the College Council has unanimously come to the Conclusion that the College could not be be worked within Court hours (ie) from 10 A.M. to 5 P.M. and that the permission given to the Professors to practise has in no way interfered with their duties in the College. He also requests that Govt will take into consideration the facts that his appointment is one to which neither leave nor pension is attached and which leads to no promotion & that he would naturally look after five years' service in such an appointment to some increase in his prospects.

2. The question of allowing the Principal to practise at the Bar was raised on two occasions & was decided in the negative. vide G.Os 583/15.8.90 Ed 863/13.12.92 & 163/2.3.93 Ed.

3. As regards the question of re-engaging Mr Nelson, the D.P.I. refers Govt to his views expressed in his letter of the 14th March last, which is printed as an appendix to the Ed. Despatch no 3 dated 7th June 1895. He there said "If the S of S. is pleased ~~in~~ to continue the Status of the College as a Govt institution undisturbed and to re-engage the services of Mr. Nelson, a condition as to his ineligibility for pension or gratuity may be stipulated for, he being allowed by compensation some concession in the direction of private practice, subject to such limitations as the Govt may deem fit to fix after consulting the Judges of the High Court".

On this point the view of the Govt of I is "that Mr Nelson will not, if reengaged on the expiry of the five years for which his existing engagement lasts, acquire any claim to count his service towards pension". vide para 3 of Mr Hewett's letter recorded in G.O. no 847 Ed. dated 28th October '95.

4. Dr Duncan thinks that the College could be worked within Court hours and proposes to take up the question for consideration immediately on receipt of the sanction of the S of S. for the continuance of the College on its present lines. The sanction of the S of S for the continuance of the College has been received but it has not been communicated to the D.P.I. yet, as the Govt of I has proposed to address the S of S. on the matter. vide G.O. no 847 Ed. d. 28th Oct. 1895.

FOR ORDERS.

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS, C.I.E.

THE HON'BLE MR. J. GROSE.

The clause in Mr. Nelson's agreement barring private practice was first suggested in para. 21. of Mr Grigg's letter in G.O. 634. Ed./7.11.88. Mr. G. thought it necessary that the principal shd. for some years after the starting of the College give his undivided attention to its working, development & administration. Govt. agreed. The S. of S. reported that it was difficult to get a suitable man for Rs. 1200 without private practice, & the Govt. of India asked this Govt. if it wd. give way on the point, offering its own opinion that practice wd. be advantageous as giving Principal familiarity with Indian law. Govt. adhered to its old view, Lord Connemara dissenting, (G.O. 583. Ed/15.8.90) but agreed that Chamber practice might be allowed. In 1892, Mr. Nelson applied on much the same grounds as in the current to be allowed to take practice. Sir H. Stokes thought it might be permitted, (G.O. 863/13.12.92), but the Law Coll. Council & the High Court as Visitors thought not. The former gave no reasons but the latter were apparently influenced by the fact that it was then proposed that the Law Coll. classes shd. go on in the daytime instead of only in the morning & evening. Sir H. Stokes thought the arguments on either side were "very nearly balanced", but as the arrangement would be only temporary pending the new arrangements at the College he did "not think it worth while to go against the opinions of the authorities above referred to". (G.O. 163/2.3.93 Ed.).

P.T.O

It seems very doubtful, however, whether the Govt. of India supposes that we are expecting any reply from them to our letter 848/28.10.95. This Govt. wrote to the S. of S. direct. The Govt. of India got to know of it, & in its letter in the G.O. quoted, said that this Govt. should have written through them, & that on getting certain information from here it proposed writing to the S. of S. supporting this Govt's. recommendation. This Govt's. reply was an expression of regret that it had not written to the S. of S. through India, & an intimation that the S. of S. had already sanctioned the proposal to continue the Law College on the old footing for five years more. It does not therefore appear that India had anything more to say. It is submitted that India may be wired to & asked if any reply is to be expected. If none is, the D.P.I. can be told of the contents of the Despatch & asked for his scheme for working the College in the day time. The College Council is against him in this, & probably knows more about it than he does. If the College is not worked in the day time it is submitted that as Mr. Nelson says, the old reasons against allowing him to take private practice have disappeared.

23.1.96

Reengagement of Mr. Nelson Principal Law College

2

H.M. & circ.

(For orders)

|| S.T.

|| They can have nothing more to say. They were prepared to support us: & the S. of S. has in fact sanctd. the scheme, So nothing more need be expected. S.T.

| yes

I quite agree

J.G.

I do not see how it will be possible to work the College during Court hours, & if not Mr. N. may be allowed to practise but we must wait to know what the DPI proposes.

J.G.
1/2/96

The College has been very successful under his management, and it will probably be necessary to take the opinion of the Judges.

J.G.
1/2/96

The D.P.I. shd. be furnished with a copy of the Sec. of S's despatch — and told to send in his scheme within a fortnight. It is hard to keep Mr. Nelson out any longer.

W
4 Feb

H.M.

There would probably be little difficulty in getting from England a new Principal qualified in legal knowledge for the salary of the post even on present conditions. When Mr. Nelson was the successful candidate there were 28 other applicants. But a new man in respect of his suitability for the Indian climate & of his qualifications for administering an Indian College would be a probationer, & might quite likely turn out wholly unfit. In Mr. Nelson we have a tried man, & the advantages to the College of retaining his services are therefore worth securing at some sacrifice. Unless his salary is very considerably enhanced or he is allowed to engage in private practice Mr. Nelson will ~~consider~~ deem himself hardly used & ~~will~~ may ~~[illegible]~~ decline to enter into a fresh engagement. We may save giving a higher salary if we ~~[illegible]~~ concede private practice at the bar of the courts. Hitherto this has been negatived. Mr. Nelson shows reasons why this restriction shd. now be removed

The main point is whether the college is to continue as at present giving only morning & evening lectures. Dr. Duncan is not prepared to give up the scheme of a day college; but the College Council is "of opinion that it is not possible to give effect to any such scheme" & proposes that for the next 5 years the lecture hours be morning & evening as now. The Coll. Council which passed this Resoln., consisted of 3 Judges of the H.Ct. (Parker Shephard & Subr. Aiyar JJ.) & Messrs. Michell, Wedderburn & Smith with Bhashyam Iyengar & Ramachandra Rao. This is a very strong body quite cognizant of the issues involved & represents all the legal interests that are of any weight. The Resolution too is quite in accord with what one might expect. ~~Any~~ The ~~Ast~~ Professors & Asst. Profors. available are men in practice. Any lawyer here ~~good enough~~ with the knowledge requisite in a teacher is sure to be in practice. In England ~~[illegible]~~ things are different: the bar can there always furnish any number of men qualified to teach who cannot for various reasons secure a practice.

Ro. 14.10.95

1/2/96

We had better wait for Dr. Duncan's reply before granting the concession.

I agree with my hon. Colleague on all points

3/2/96

College Council knows this; & hence
resolution that the madras College
st depend for their professors
tors on men who are
vely employed in their
fession.
then the College is not to be
day College for the present,
there any reason for debarring
Principal; now that he has
ced the College on a sound
ting & has mastered its
rn., from also participating
active practice?
the concession is ~~to be~~ made
~~only~~ may be made provisionally,
i.e. so long as the College
remains as it is now, not a
day institution. It might
also be further stipulated
that if at any time during the
five years the Govt. sh. be of
opinion that the private
practice is in any way inter-
fering with his duties to the
College the concession will
terminate & the Principal shall
restrict himself to Chamber
practice only. G.P.R. 31.1.6.

VE/

G. S. Forbes Esq.

Order. No. 69 d/ 5 Feb '96

~~Ch Afs of~~ The Rt. Hon. the Secretary of State has sanctioned the continuance of the Law College on its present footing as a Govt. Institution for a further period of five years. The D.P.I. will accordingly be requested to submit to Govt at as very early a date, ~~as possible~~, — within 14 days if possible, — the scheme referred to in the second paragraph of his letter read above.

No. 5.2.96 (from orders.)

S. B.

17/2/6

To D.P.I. despd 5/1.
with 2 encls
Copy to the A. G. .. q

Immediately

S. B.

Reengagement of Mr Nelson as Principal, Law College

Hm Genl

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given for copying
copied
examined
signed
189

AIN G.O., No. DATED
189 ,

No.

RS TO C. No

OF GOVERNMENT .. .. .. A A A A A A A

E OF GOVERNMENT.

MENT WITH DITTO.

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IN ORIGINAL.

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